IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3860/1998

BHAGWAN SINGH & ANR.
Vs.
ASSISTANT COLLECTOR & EXECUTIVE MAGISTRATE,
MAHUWA & ANR.

Date: 03.12.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Om Prakash for
Mr. Praveen Balwada for the petitioners.
Mr. M.A. Khan for the respondents.

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The present writ petition is preferred by the petitioners challenging the orders and decree dated 05.07.1996 and 17.07.96 passed by the Assistant Collector and Executive Magistrate, Mahuwa, District Dausa, whereby the petitioners have been called upon to deposit the outstanding amount of loan taken by them.

Learned counsel appearing for the respondents submits that the co-ordinate Bench of this Court in S.B. Civil Writ Petition No. 3085/2000- Ram Gopal & Anr. Vs. Tehsildar & Anr., vide order dated 19.04.2007, remanded the matter back to the Prescribed Authority for determining the liability of the petitioner by charging the interest on yearly rest basis and

outstanding dues be revised accordingly.

Here in the present case also, the petitioners took an agricultural loan and as per the petitioners, against the loan amount Rs. 1,00,000/- have been deposited, but admittedly total outstanding amount has not been paid as claimed by the respondents.

In the aforementioned writ petition No. 3085/2000, it was observed by the co-ordinate Bench that this Court in C.W. No. 3063/2000- Mukhtyar Singh Vs. Oriental Bank of Commerce & Anr., decided on 22.02.2007 placing reliance on the judgment of the Apex Court reported in 1994(5) SC 213 has considered that in an agricultural loan, the interest has to be charged on yearly rest basis in terms of judgment of Apex Court.

The co-ordinate Bench of this Court considering the aforesaid judgment as mentioned above, directed the respondents to determine the liability of petitioner by charging the interest on yearly rest basis and outstanding dues be revised accordingly.

In view of the judgment rendered by the co-ordinate Bench of this Court dated 19.04.2007, the present matter is remanded back to the Prescribed Authority. Both the learned counsel for the respective parties are agreed to appear before the Prescribed

Authority on 06.02.2008 and the petitioners shall furnish the statement of account regarding payment made by them, which will be verified by the respondent Bank and Bank shall prepare fresh statement of account after charging interest on yearly rest basis.

With these observations, the writ petition stands disposed of.

(K.S. RATHORE),J.

/KKC/